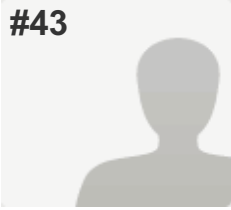


#43

**COMPLETE****Collector:** CLG 2015 (Web Link)**Started:** Tuesday, December 29, 2015 9:19:54 AM**Last Modified:** Thursday, December 31, 2015 5:20:32 PM**Time Spent:** Over a day**IP Address:** 66.195.223.214

PAGE 2: Commission Staff

Q1: Is your commission a CLG?

Yes (completing this report is mandatory)

Q2: Name of Preservation Commission

(no label)

Select your CLG commission:

Durham Historic Preservation Commission

Q3: Staff Contact (the city or county employee that provides staff services to the commission)

Name	Karla Rosenberg
Title	Planner
Name of Local Government	City of Durham, Durham County
Mailing Address	101 City Hall Plaza
City	Durham
ZIP	27701
Telephone	919-560-4137
E-mail	karla.rosenberg@durhamnc.gov

Q4: The commission staff person is employed by:

The local government

Q5: On average, approximately how many hours in a typical 40-hour work week does the staff person spend on preservation commission work?

38

Q6: Has your community experienced staff turnover for the staff member(s) who work with the local preservation commission?

No

PAGE 3: Commission Members

Q7: How many voting commission members are there?

9

Q8: How long are commissioners' terms?

3 years

Q9: Is there a limit to the number of consecutive terms a member may serve?

Yes, 2 terms

Q10: Were there any vacancies on the commission between October 1, 2014 and September 30, 2015?

Yes (how many?) or other 3

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Q11: If you had commission vacancies during this reporting period, please indicate the method(s) your local government used to seek professionals to serve on the commission.

Placed announcements in local media specifically recruiting professional members

Q12: Were all vacancies filled within 60 days as required by federal law? No

Q13: Per the previous question, how many vacancies were not filled within 60 days and why?

One vacancy effective as of 9/1/2015 has not yet been filled. That Commissioner is continuing to serve on a month-to-month basis until his position is filled.

Q14: Were any vacancies filled by new appointments? Yes, we have new members who have not served before (how many?)
2

Q15: Please provide the following information on your commission chair.

Salutation (Mr., Ms., Mrs., Dr., etc)

Mr.

Name

Joe Fitzsimons

Date of Term Expiration

9/1/2018

City/Town

Durham

Email Address

joe@belkarchitecture.net

PAGE 4: Commission Meetings & Procedures

Q16: When does the preservation commission meet? (For example, the third Wednesday evening of every month)

first Tuesday of every month at 8:30am

Q17: How frequent is the preservation commission's regularly-scheduled meeting?

Once a month

Q18: Does the local government attorney attend commission meetings?

Sometimes; it depends on the meeting

Q19: How many hours is a typical commission meeting?

2.0

Q20: Does your commission have an active, maintained website?

Yes or Other (please specify and provide links if applicable)
<http://durhamnc.gov/397/Historic-Preservation-Commission-HPC>

Q21: How does the commission provide public meetings and notices? This includes meeting announcements, commission vacancies, and agendas.

Mail, Printed notice in a specific location, Website,
Other (please specify) Sign postings

Q22: How does the commission provide public documents? This includes design guidelines and COA applications.

Printed materials in a specific location (planning office, library, etc)
,
Website

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Q23: Does the commission or local government enforce penalties or fees for after-the-fact Certificates of Appropriateness (COAs)? No

PAGE 5: Historic Resources & Preservation Programs in Your Community

Q24: How many of the following does your community have as of this survey date?

Local Landmarks	82
Local Residential Historic Districts	6
Local Commercial Historic Districts	1
National Register Commercial Historic Districts	1

Q25: If any historic resources in your community were not listed in the previous question, please provide more information here. *Respondent skipped this question*

Q26: Does your community have a preservation non-profit? Yes or Other (please specify) Preservation Durham

Q27: Does your commission have community partnerships? Examples would be a paint shop discount for local historic district residents or educational programs with the local school system. No

Q28: Does your commission work with local real estate agencies/agents and independent home sellers ("FSBO") to notify potential buyers of local designation to the property? This can be through the MLS listing or a brochure. No

PAGE 6: Commission Duties & Responsibilities

Q29: Does your commission charge a fee to submit a local landmark or historic district report? Yes (please provide amount) or other \$803

Q30: For local landmark or historic district reports, who is responsible for paying for the report preparation? This can include consultant fees. The applicant

Q31: Has your commission been involved with the development of a local preservation plan? Yes (please describe) or Other (please specify) Consolidation of local review criteria moving to City Council January 2016

Q32: Are you and/or your commission familiar with the State of North Carolina 2013-2022 State Historic Preservation Plan? No
(http://www.hpo.ncdcr.gov/NorthCarolina_2013-2022_HistoricPreservationPlan.pdf)

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Q33: Commissioners and locals do an amazing job protecting our state's resources and we thank everyone for this generous contribution. How is your commission and/or local government working towards the goals of North Carolina's historic preservation plans?

Reviewing applications for Certificates of Appropriateness and landmark applications. Producing biannual community newsletters.

Q34: Does your commission maintain an inventory of buildings deemed to be of historic importance in your community?

Other (please specify)
Durham County Historic Architecture Inventory

Q35: Please approximate the number of individual, standing buildings with historic significance in your community. This number includes those that are and aren't historically designated.

700

Q36: Please indicate the incentives your local government offers.

None at the moment

Q37: If applicable, please explain the incentives indicated in the previous question. Provide details such as total amounts given and number of properties that have taken advantage of the incentives.

None

Q38: Does your commission have a demolition by neglect ordinance? This can be a stand-alone ordinance or a clause in the commission's ordinance.

Yes

Q39: Has your commission or local government ever enforced the demolition by neglect ordinance mentioned in the previous question?

Yes or Other (please specify) once this period

Q40: Does your commission compile an annual report for your governing board (City Council, etc)?

Yes

Q41: Does your commission (with or without community partners) manage a revolving fund?

No

Q42: Does your commission have an annual retreat or check-in?

Yes

Q43: Does your commission conduct survey work in the community?

No

PAGE 7: Commission Finances

Q44: Please provide an estimated dollar amount of fees collected in a typical year by the commission. This can include COA fees, local designation application fees, and fines for violations.

6517

Q45: Excluding the fee income mentioned in the previous question, what is your commission's total operating budget for one year?

0

Q46: What is the local government's annual appropriation to the HPC?

0

2015 North Carolina CLG Commissions Reporting

Q47: Does the preservation commission have any additional sources of funding

Yes: please describe any additional sources of funds
Historic Preservation Fund (HPF) Grant

Q48: Generally speaking, what percentage of the commission's annual income (or budget) is spent on the following?

Administrative (printing, etc)	0.0
Consultant work (for landmark reports, etc)	100.0
Programs (plaques, community events, etc)	0.0
Commissioner training and travel costs	0.0

PAGE 8: Commission Education & Outreach Programs

Q49: Please indicate which of the following educational activities your commission carries out.

Print materials

Q50: In dollars, how much does your commission SPEND on average in a year on education and outreach programs?

500

Q51: In dollars, how much does your commission EARN (before subtracting program costs) on average in a year through education and outreach programs?

0

Q52: Does your commission seek out funding for education and outreach programs? (This includes CLG grants, local government matches, and other financial sources.)

No

Q53: Please describe your education and outreach programs, especially ones that you are planning or those that have been successful in past. Website and program names would be nice to have. (Other commissions are especially eager to hear the great things their fellow commissions are doing! Your responses will be shared.)

Revamped website, produced HPC newsletter and COA district brochures.

PAGE 9: Reporting Period Activity (October 30, 2014, to September 1, 2015)

Q54: How many local designations did the commission make during this reporting period?

Local Landmarks	0
Local Residential Historic Districts	0
Local Commercial Historic Districts	0
Local Historic District Boundary Increases	0

Q55: How many local designation reports did the commission receive during this reporting period?

0

Q56: Approximately how many local landmarks in your community are currently receiving the 50% property tax deferral afforded through G.S. 105-278?

85

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Q57: Approximately what is the dollar amount of taxes deferred through the 50% property tax deferral in your community this past year? 0

Q58: How many National Register (NR) listings took place in your community during this reporting period?

NR Individually-Listed Properties	0
NR Residential Historic Districts	0
NR Commercial Historic Districts	0
NR Historic District Boundary Increases	0

Q59: Were any local or National Register historic designations removed or reduced in size during this reporting period? This includes through demolition, a boundary decrease, or property owner request. No

Q60: Please provide additional information regarding any other designation activity in your community during the reporting period. This can include National Historic Landmarks and properties of Statewide Significance.

We do not oversee designation of National Register districts or landmarks. We did receive two applications for landmark designation (and one for repeal of designation) in early 2015. These were approved after this survey's reporting period and were not included in this report.

Q61: Has your commission acquired property through G.S. 160A-400.8(3) in this reporting period? This can include revolving fund or house museum properties. No

PAGE 10: Certificates of Appropriateness (COAs) during report period of October 1, 2014, to September 30, 2015

Q62: Please provide the number of COA application rulings during the reporting period.

Total	139
Approved	115
Approved with conditions	14
Denied	0
Withdrawn/Deferred/Resubmitted	10
Other	0

Q63: Please provide the type of COA applications received during the reporting period.

Total	139
Minor works	21
Major works (includes demolition and new construction)	20
After-the-fact COAs	10

Q64: How many COA applications did your commission receive during this reporting period for demolition or relocation? 2

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Q65: Considering the number COA applications for demolition or relocation you noted in the previous question, please respond to the following questions.

How many were denied?	0
How many were approved?	2
How many were approved with conditions?	1
How many were withdrawn or deferred?	0
How many were acted upon? (This can also include approved COAs reported in a previous reporting period that were not acted on during that reporting period.)	1

Q66: For major work, do you advise applicants prior to their hearing before the full commission?	Yes, staff advises
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Q67: Were any COA decisions appealed during the reporting period?	<p>Yes or other (please provide the number of appeals and a brief narrative of the circumstances of the appeal and the facts and reasons leading to its outcome, including any subsequent appeals to Superior Court)</p> <p>ORDER DISMISSING AN APPEAL DUE TO LACK OF STANDING The Board of Adjustment (hereafter "the Board") for the City/County of Durham, met on January 27, 2015 and held a quasi-judicial hearing to consider Case B1400027, an appeal filed by Sasha Berghausen ("the appellant"), of a minor Certificate of Appropriateness (COA) issued by the Durham Historic Preservation Committee (HPC) and communicated to appellant at the October 7, 2014 hearing in which the HPC approved the minor COA. Appellant alleges that the approved COA, for proposed traffic calming devices at five intersections with West Club Boulevard, a street for which portions are located within the 'Watts-Hillandale' local historic district, does not meet the criteria for approval by the HPC. At the hearing of this appeal, the HPC was represented by counsel. Having heard and considered the evidence and arguments presented at the hearing, the Board makes the following findings of fact and conclusions of law: FINDINGS OF FACT: 1. On July 30, 2014, the City of Durham Public Works Department submitted a minor certificate of appropriateness (COA, Case COA1400098) application for proposed modifications to West Club Boulevard at five separate intersections in order to enhance pedestrian safety, reduce vehicular speeds on West Club Boulevard and to alleviate stormwater issues. 2. The portion of West Club Boulevard for which these improvements were proposed is located within the Watts-Hillandale local historic district. The proposed project within this local historic district required COA approval by the HPC. 3. The HPC initially heard the case at their September 2, 2014 meeting. The case was continued to the October 7, 2014 meeting to allow time for the applicant to provide additional testimony from the City of Durham's Urban Forester. The HPC approved the COA for the project at its October 7, 2014 meeting. 4. On November 6, 2014, Sasha Berghausen filed an appeal with the Durham City Clerk's office, appealing the HPC's approval of the COA. 5. Mr. Berghausen resides at 2009 West Club Boulevard. The appellant's</p>
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property is located within the Watts-Hillandale Local Historic District. 6. The Durham Board of Adjustment scheduled Mr. Berghausen's appeal hearing for its January 27, 2015 meeting. 7. Prior to hearing Mr. Berghausen's substantive appeal, the City made a legal argument that appellant lacked standing to bring this appeal. Because standing is a jurisdictional issue, the Board heard and decided the standing issue prior to any consideration of the merits of appellant's substantive appeal. 8. The City argued that appellant had the burden to demonstrate that he had standing before the Board pursuant to N.C.G.S. § 160A-388(b1)(1) and § 160A-393(d). 9. The City argued further that since appellant's home is at least 200 feet from the closest intersection at which the proposed improvements will be constructed, he did not have an ownership interest in the "property that is the subject being appealed." Therefore, in order to have standing, appellant was legally required to put on evidence that he would "sustain special damages distinct from the rest of the community." *Heery v. Highlands*, 61 N.C. App. 612, 614 (1983). 10. The City put on evidence that appellant would not be damaged by the proposed project, but that instead there were a number of features of the project that would benefit appellant's property and the entire historic district, including the following: an improved tree canopy along West Club Boulevard; improved safety to homes, pedestrians, and cars by decreasing the number of unstable trees along West Club Boulevard; improved motorist and pedestrian safety by reducing vehicular speeds on West Club Boulevard and by improving site triangles at intersections; improved ADA accessibility at intersections due to the installation of directional ramps; and stormwater drainage improvements. 11. Mr. Berghausen argued that the proposed removal of trees as part of the approved COA would have a negative impact on his property. CONCLUSIONS OF LAW Having considered the evidence submitted by the parties, the Durham Board of Adjustment, by a unanimous vote of 7-0, determines that appellant, Sasha Berghausen, failed to meet his evidentiary burden to prove that he has standing pursuant to N.C.G.S. § 160A-388(b1)(1) and § 160A-393(d) to bring this appeal. Based upon appellant's lack of standing, this appeal is dismissed. An appeal of a Board of Adjustment decision can be filed pursuant to NCGS 160A-388 in the Superior Court of Durham County within 30 days. On February 24, 2015 the Board approved this written decision. A copy of this decision is filed in the Durham City/County Planning Department and was served on the persons identified below by certified mail, return receipt requested on the following date: February 25, 2015.

Q68: Do you charge a fee for COA applications?

Yes, separate fees for minor and major work

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Q69: If you charge for COAs, please explain your COA fee structure. If it's on a website, a link is acceptable.

Administrative: \$26 (reviewed by staff only)

Minor: \$209

Major: \$439

Q70: If your commission dealt with after-the-fact COAs during this reporting period, please indicate how many and other information on the circumstances.

We treat them as we do every other case.

PAGE 11: Commission Training

Q71: Did the commission staff person and at least two commissioners attend a training between the period of October 1, 2014, and September 30, 2015, as required by the CLG program?

Yes

Q72: Do you train your new commissioners? This includes in-house training and materials.

Yes

Q73: Please indicate which of the following training opportunities you and/or your commissioners attended during October 1, 2014, to September 30, 2015.

Wake Forest Regional Training (May 15, 2015)

Q74: Please suggest three (3) training topics that would be most beneficial to you and the preservation commission.

Quasi-judicial Procedures,
Understanding and Developing Design Guidelines,
Basic Principles of Preservation

PAGE 12: Feedback to the North Carolina State Historic Preservation Office

Q75: Please rate the following resources offered by our office.

Website	2 - Needs a bit of improvement
GIS maps	4 - Good to have
NCPres Listserv	4 - Good to have
Staff consultations (including Restoration Branch, National Register and Survey Branch, and office branches)	4 - Good to have
Training	4 - Good to have
Newsletters (CLG and Worth Saving)	4 - Good to have
Facebook page	4 - Good to have
Print materials	4 - Good to have

Q76: Please suggest ways in which the North Carolina State Historic Preservation Office can better serve your community.

Is all website information on tax credits up to date? We send citizens there regularly for information on the credits.

PAGE 13: Documentation request: New Commissioner Resumes

Q77: Documentation of new commissioner(s) is:

Other (please specify) Will email

PAGE 14: Documentation request: Resources lost or added to the survey

Q78: Documentation of resources lost or added to the survey is:

Not applicable to this commission at the time

PAGE 15: Documentation request: Optional

Q79: Documentation of other commission/preservation activity is:

Other (please specify) Will email

Q80: If possible, please provide a brief overview or link to any newspaper articles related to preservation in your community. (Previous versions of the CLG survey asked for newspaper clippings that, when paired with the survey responses, provided a nice annual community "snapshot" for our records.)

<http://www.indyweek.com/news/archives/2015/05/06/historic-home-in-watts-hillandale-neighborhood-can-be-torn-down>

<http://preservationdurham.org/index.php/proposed-teardown-to-be-saved/>

<http://www.wral.com/razing-plans-for-durham-house-raising-hackles-in-historic-neighborhood/14625688/>

PAGE 16: Commission Activity Overview

Q81: Please summarize the commission's accomplishments, successes, and MAJOR activities during the reporting period. Include grant projects, educational and public awareness efforts, and innovative collaborations. Also describe any significant challenges, problems, or difficult issues faced by the commission during the reporting period.

The HPC and planning staff have managed to finalize a new set of criteria for local landmarks and districts, which is set to be heard before City Council (final step) in January 2016. This represents the culmination of three years of work to consolidate 7 separate plans into a single plan.

In addition, the HPC effectively managed a highly controversial demolition case in one of its districts. Public testimony was heard (in 2-minute increments), and the HPC recommended approval on a one-year delay, allowing the community to stage an intervention that eventually saved the house.

PAGE 17: Affirmations

Q82: The designated CLG staff person, the preservation commission chair, and the chief elected local official(s) hereby affirm that the certified local government meets all standards for certification and continues to operate according to the guidelines for certification as set forth in 36 CFR Part 61 and in the "Guidelines for North Carolina's Certified Local Government Program." We affirm that, in accordance with N.C.G.S. 160A-400.7, all members of the historic preservation commission are qualified to serve, a majority having demonstrated their competence through either their educational or professional experience or through their special interest in, and knowledge of, historic preservation. We affirm that the certified local government has made a good faith effort to appoint to the commission professionals from the disciplines of architecture, history, architectural history, planning, archaeology, or a closely related discipline, and have attached written documentation of such effort. Finally, we affirm that all members meet the residency requirements of N.C.G.S. 160A-360 and 160A-400.7. (Affirmation below is considered by the HPO as an electronic signature.)

We affirm.